

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FAST MEMORY ERASE, LLC)
)
)
v.) **3-09-CV-653-M**
)
SPANSION INC and SPANSION LLC)

O R D E R

Defendant's motion for protective order (Doc. 3) was referred to the undersigned magistrate judge for determination pursuant to the District Court's order filed on June 30, 2009. In a related case brought by Plaintiff in which Spansion Inc. and Spansion LLC and others were named as defendants, *Fast Memory Erase v. Spansion, Inc., et al*, No. 3-08-CV-977-M, Defendants filed a similar motion.

In the respective motions the Defendants sought an order prohibiting Plaintiff from disclosing confidential information to Matthew Vella. On June 29, 2009, a hearing was held before me on the motions for protective order filed by Defendants in the '977 case. At that time a ruling on the issue was deferred until the parties deposed Mr. Vella. Due to circumstances which occurred after June 29, 2009, I was required to recuse myself and the non-case dispositive motions were reassigned to Magistrate Judge Jeff Kaplan. Although Plaintiff filed a response to the motion filed in that case, no response was filed to Defendants' motion in the present case, the '653 case.

Judge Kaplan formally ruled on the Defendants' motions in the '977 case, *See* Doc. 296, in which he denied the motions without prejudice to the re-filing of the same in the event that the parties could not resolve the issue regarding Mr. Vella's access, if any, to documents by agreement. Such is a proper disposition of the present motion in this case, and

IT IS ORDERED that Defendants' Motion for Protective Order Preventing Matthew Vella

Access to Spansion Confidential Information (Doc. 3) is denied without prejudice to re-filing of the same, if appropriate.

A copy of this order shall be transmitted to counsel for the parties.

SIGNED this 22nd day of January, 2010.


WM. F. SANDERSON, JR.
UNITED STATES MAGISTRATE JUDGE